

II. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 3, 8 to 11, 15, 20 to 25, 29 to 32, 35, 40 to 43, and 45 to 53 now stand in the subject application. Claims 1, 24, 45 and 51 are independent.

Claims 1, 3, 8 to 11, 15, 20, 22, 24, 25, 29 to 32, 35, 40 and 42 have been amended. Claims 4 to 7, 12 to 14, 16 to 19, 26 to 28, 33, 34 and 36 to 39 have been cancelled without prejudice or disclaimer. New claims 45 to 53 have been added.

In the Official Action, the Examiner has rejected claims 1, 3 to 15, 17 to 35 and 37 to 43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,519,770 to Ford (“Ford”) in view of U.S. Patent No. 7,370,343 to Ellis (“Ellis”). Claims 16 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ford in view of U.S. Patent No. 6,675,384 to Block (“Block”). As claims 16 and 36 are dependent on claims that have been rejected in view of Ford and Ellis, Applicant assumes the Examiner’s rejection to claims 16 and 36 is in view of Ford, Ellis and Block.

Independent claim 1 recites an apparatus for selectively replacing objectionable content in a video program intended for viewing on a display screen comprising a first video signal with less-objectionable content, comprising an extraction device receiving at least a portion of the first video signal and configured to extract information therefrom; a replacement control device; a processor operatively coupled to said replacement control device and communicatively coupled to said extraction device for receiving at least a portion of said extracted information therefrom; a memory coupled to said processor and storing a replacement criterion; said processor programmed to identify replacement information in said extracted information; a replacement video signal including said less-objectionable content communicatively coupled to said replacement control device; and said processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion, wherein said less-objectionable content comprises advertising and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames.

Ford discloses a system for filtering out potentially objectionable content from a video signal. The system is preferably implemented with user equipment such as a set-top box, a dedicated stand-alone box, a videocassette recorder, or circuitry in other television equipment. Videos to be filtered have embedded information that identifies potentially objectionable substitution events. The system determines which substitution events are to be filtered out based on selectable ratings settings. If desired, filtered video images may be replaced with blank video images and filtered audio signals may be replaced with silence or a tone. Filtering may also be accomplished by disrupting the event to be filtered (e.g., by garbling the event). Filtering may involve making substitutions of audio or video information. For example, audio information in a substitution event may be replaced by appropriate audio segments. Video information in a substitution event may be replaced by a video still or by a video clip. The entire video frame may be replaced with the substitution video or a portion of the video frame such as half of the video frame may be replaced with the substitution video.

Ellis discloses an interactive television program guide for supporting programming blackouts. In some embodiments, the interactive television program guide may unschedule the reminding and recording of blacked-out programs that have been scheduled by a user for reminding or recording. In some embodiments, the interactive television program guide may prevent a user from scheduling blacked-out programs for reminding and recording. In some embodiments, the interactive television program guide may prevent a user from ordering blacked-out pay-per-view programs. In some embodiments, the interactive television program guide may provide blackout information in information displays. In some embodiments, the interactive television program guide may provide replacement media for blacked-out programs.

The Examiner alleges that the combination of Ford and Ellis renders the claimed invention obvious to one of ordinary skill in the art. Applicant respectfully disagrees. Ford teaches to replace incoming video signal data at a client location with substitution data when a substitution event code in the incoming video signal is detected; however in no way does Ford teach to replace the video signal data corresponding to the substitution event code with advertising, with the advertising only replacing a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames. Ellis in no way modifies an incoming video signal of a video program. Rather Ellis is concerned with finding a replacement video program when a user selected video program corresponds to a

blacked out program. Combining Ford and Ellis therefore does not result in the Applicant's invention as claimed.

In the Applicant's invention, because only portions of displayed video frames corresponding to objectionable content are replaced with advertising, the viewer can still watch the video program without the viewing experience being negatively impacted. Further, because the advertising corresponds only to subregions of displayed video frames that include objectionable content, the advertising can be matched to the video content to minimize the impact the advertising has on the video program being displayed. For example, during a nude scene, the appropriate portion(s) of displayed video frames can be replaced with clothing advertisements.

Block does not remedy the deficiencies of Ford and Ellis. Block discloses a method and apparatus for information labeling and control including a central station equipment which combines a program signal with content labels that separately and continuously identify the audio, video, and data content of the program signal, and user station equipment which generates a local content label identifying program material which is acceptable to the user. By comparing the two labels the user station equipment can block or substitute alternative audio, video, or data for offensive portions of a program signal received through a transmission or stored for playback on various media such as video tapes, audio tapes, CDs, computer disks, optical storage media, and video game cartridges. Similar to Ford and Ellis, in no way does Block teach or suggest replacing video signal data with advertising wherein the advertising only replaces a specified subregion of displayed video from corresponding to the location of the objectionable content within the displayed video frames.

Accordingly, Applicants respectfully submit that independent claim 1 and the claims dependent thereon distinguish patentably over the cited references and should be allowed. Independent claims 24, 45 and 51 and the claims dependent thereon are also believed to distinguish patentably over the cited references at least for the same reasons set forth above and should be allowed.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should be directed to the address given below.

Respectfully submitted,

/Richard P. Bauer/
Attorney for Applicants
Richard P. Bauer
Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ROSENMAN LLP
2900 K Street, N.W.
Suite 200
Washington, D.C. 20007-5118